



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,004	08/07/2003	Daniela Bourges-Waldeg	CH920010066US1	1576
IBM	7590	02/06/2007	EXAMINER	
P.O. Box 218			FEARER, MARK D	
Yorktown Heights, NY 10598			ART UNIT	PAPER NUMBER
			2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

BL

<b>Office Action Summary</b>	Application No. 10/636,004	Applicant(s) BOURGES-WALDEGG ET AL.	
	Examiner Mark D. Fearer	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on August 7, 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 13August2002. It is noted, however, that applicant has not filed a certified copy of the 02405689.7 application as required by 35 U.S.C. 119(b).

### ***Drawings***

The drawings are objected to because Figure 1 symbols lack descriptive labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

Art Unit: 2109

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8-12 and 16 <sup>and 17</sup> are rejected under 35 U.S.C. 102(e) as being anticipated by Janick (US application 20020013852).

Consider claim 1. Janick clearly shows and discloses an electronic device, comprising interfaces for connecting output units to said device ("The system disclosed herein provides a communication connection and a content and data management system comprised of software and hardware..." paragraph 0072), a control unit for controlling the routing of messages ("System control application 18 serves the function of managing the connection between content 10 and various servers on Internet 8, and PC 34 and storage gateway 38, and also manages the flow of information between PC 34 and storage gateway 38, and client devices 78.") paragraph 0084), said messages being determined to be presented to a user of said device via at least one of said output units, said control unit being configured for: determining at least one of said output units

Art Unit: 2109

for routing a message to based on a result of a message classification process, and routing said message to that interface serving said determined output unit ((“Briefly and generally, the system is used to provide a means for end users to program preference-based content for delivery at various client devices, and then to automatically or under the control of the user, send the content to client devices for presentation to the end user.”) paragraph 0027).

Consider claim 2, and as applied to claim 1 above. Janick clearly shows and discloses an electronic device comprising a stored look-up table ((“System control application database 96 is a set of files that contain system parameters and data.”) paragraph 0085) with classification levels being allocated to output units (“Further sub classification of content within file types or genres. For example a “music” category may be further divided into additional classifications such as “classical”, “jazz”, “pop”, “internet radio” and the like.”) paragraph 0077).

Consider claim 3, and as applied to claim 1 above. Janick clearly shows and discloses an electronic device comprising a classification unit for running said classification process for classifying to be output messages ((“Audio device content editor 24 provides the user with the ability to group audio files (tracks) into user-defined playlists, which are text association that contains a list of and paths to audio files or the URLs or IP addresses of audio streams, and are stored in system control application database 96. For example, a user may create a playlist called “Classical Music” that contains ten Beethoven symphonies.”) paragraph 0132).

Consider claim 4, and as applied to claim 1 above. Janick clearly shows and discloses an electronic device wherein classification process is configured for classifying a message on the basis of its content ("Associate a content type or content module with one of the softkey buttons 124 located beside display 132.") paragraph 0150).

Consider claim 8, and as applied to claim 1 above. Janick clearly shows and discloses an electronic device comprising an identification unit for identifying connected output units and for making control unit determine output units for routing message to ("Network Address Translation (NAT) and routing--certain client devices 78 must be connected to the Internet 8 in real time. Core module 42 acts to connect messages and streams from client devices 78 to Internet 8, and from Internet 8 to the client devices 78.") paragraph 0107).

Consider claim 9, and as applied to claim 1 above. Janick clearly shows and discloses an electronic device that is portable ("In this embodiment, client device 78 is a portable computing device referred to as a webpad 92, able to be carried around the house or within range of LAN 70.") paragraph 0197).

Consider claim 10. Janick clearly shows and discloses a method for routing an electronic message from an electronic device to an output unit, comprising automatically controlled steps of: determining at least one of several output units based on a result of a message classification process ("System control application 18 serves the function of managing the connection between content 10 and various servers on Internet 8, and PC

34 and storage gateway 38, and also manages the flow of information between PC 34 and storage gateway 38, and client devices 78.") paragraph 0084); and initiating a message to be routed to determined output unit for presenting the message to a user ("Briefly and generally, the system is used to provide a means for end users to program preference-based content for delivery at various client devices, and then to automatically or under the control of the user, send the content to client devices for presentation to the end user.") paragraph 0027).

Consider claim 11, and as applied to claim 10 above. Janick clearly shows and discloses a method wherein the message is classified and the classification result is provided ("Audio device content editor 24 provides the user with the ability to group audio files (tracks) into user-defined playlists, which are text association that contains a list of and paths to audio files or the URLs or IP addresses of audio streams, and are stored in system control application database 96. For example, a user may create a playlist called "Classical Music" that contains ten Beethoven symphonies.") paragraph 0132).

Consider claim 12, and as applied to claim 11 above. Janick clearly shows and discloses a method wherein classification process is configured for classifying a message on the basis of its content ("Associate a content type or content module with one of the softkey buttons 124 located beside display 132.") paragraph 0150).

Consider claim 16, and as applied to claim 10 above. Janick clearly shows and discloses a method wherein the availability of output units is checked, and wherein only

one or more of the available output units can be determined for routing said message to ("Network Address Translation (NAT) and routing--certain client devices 78 must be connected to the Internet 8 in real time. Core module 42 acts to connect messages and streams from client devices 78 to Internet 8, and from Internet 8 to the client devices 78.") paragraph 0107).

Consider claim 17. Janick clearly shows and discloses a program storage device readable by a digital processing apparatus and having a program of instructions which are tangibly embodied on the storage device and which are executable by the processing apparatus ("The setup functions provide the user with the ability to organize and manage content that is to be sent to a device. Content 10 may be stored or generated on Internet 8, or may exist on a local storage device, such on the PC's 34 hard disk drive 30, or on storage gateway 38. This content is organized and managed with the use of device content editors that are an aspect of GUI module 46 of system control application 18.") paragraph 0130) to perform a method for routing an electronic message from an electronic device to an output unit, comprising automatically controlled steps of: determining at least one of several output units based on a result of a message classification process ("System control application 18 serves the function of managing the connection between content 10 and various servers on Internet 8, and PC 34 and storage gateway 38, and also manages the flow of information between PC 34 and storage gateway 38, and client devices 78.") paragraph 0084); and initiating a message to be routed to determined output unit for presenting the message to a user ("Briefly and generally, the system is used to provide a means for end users to program



preference-based content for delivery at various client devices, and then to automatically or under the control of the user, send the content to client devices for presentation to the end user.”) paragraph 0027).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (US 20020013852 A1) in view of Seibel et al. (US 7043531 B1).

Regarding claim 5, and as applied to claim 1 above, Janik discloses an electronic device that classifies data. This reads on the claimed “...wherein classification process is configured for classifying a message...” (“Further sub classification of content within file types or genres.”) paragraph 0077). However, Janik fails to teach classifying data in terms of presentability. Seibel et al. discloses a classification process based on

presentability. This reads on the claimed "...classifying a message on the basis of its presentability." ("Convenience: An item of interest to the buyer may be presented at the fore front with cross selling items presented secondarily.") column 10 lines 61-63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the classification by presentability as taught by Seibel et al. with the classification process as taught by Janik for the purpose of a classification process configured for classifying a message on the basis of its presentability.

Regarding claim 6, and as applied to claim 1 above, Janik discloses an electronic device that classifies data. This reads on the claimed "...wherein classification process is configured for classifying a message..." ("Further sub classification of content within file types or genres.") paragraph 0077). However, Janik fails to teach classifying data in terms of the sender. Hegli et al. discloses a classification process based on the sender. This reads on the claimed "...classifying a message on the basis of the sender." ("The alternate threshold database 284(d) includes network threshold values that are used by the network load monitor to deny or allow access to sites/pages based on the identity of the user.") column 12 lines 7-10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the classification by sender as taught by Hegli et al. with the classification process as taught by Janik for the purpose of a classification process configured for classifying a message on the basis of the sender.

Regarding claim 7, and as applied to claim 1 above, Janik discloses an electronic device that classifies data. This reads on the claimed "...wherein classification process is configured for classifying a message..." ("Further sub classification of content within file types or genres.") paragraph 0077). However, Janik fails to teach classifying data in terms of confidentiality. Seibel et al. discloses a classification process based on confidentiality. This reads on the claimed "...classifying a message on the basis of its confidentiality." ("Security level: For first time and low experience users, the web site can be presented with reassurances related to on-line security.") column 10 lines 54-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the classification by confidentiality level as taught by Seibel et al. with the classification process as taught by Janik for the purpose of a classification process configured for classifying a message on the basis of its confidentiality.

Regarding claim 13, and as applied to claim 11 above, Janik discloses a method that classifies data. This reads on the claimed "...wherein classification method is configured for classifying a message..." ("Further sub classification of content within file types or genres.") paragraph 0077). However, Janik fails to teach classifying data in terms of presentability. Seibel et al. discloses a classification process based on presentability. This reads on the claimed "...classifying a message on the basis of its presentability." ("Convenience: An item of interest to the buyer may be presented at the fore front with cross selling items presented secondarily.") column 10 lines 61-63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of classification by presentability as taught by Seibel et al. with the method of classification process as taught by Janik for the purpose of classification method configured for classifying a message on the basis of its presentability.

Regarding claim 14, and as applied to claim 11 above, Janik discloses a method that classifies data. This reads on the claimed "...wherein classification method is configured for classifying a message..." ("Further sub classification of content within file types or genres.") paragraph 0077). However, Janik fails to teach classifying data in terms of the sender. Hegli et al. discloses a classification method based on the sender. This reads on the claimed "...classifying a message on the basis of the sender." ("The alternate threshold database 284(d) includes network threshold values that are used by the network load monitor to deny or allow access to sites/pages based on the identity of the user.") column 12 lines 7-10).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of classification by sender as taught by Hegli et al. with the method of classification process as taught by Janik for the purpose of a classification method configured for classifying a message on the basis of the sender.

Regarding claim 15, and as applied to claim 11 above, Janik discloses a method that classifies data. This reads on the claimed "...wherein classification method is

configured for classifying a message..." ("Further sub classification of content within file types or genres.") paragraph 0077). However, Janik fails to teach classifying data in terms of confidentiality. Seibel et al. discloses a classification method based on confidentiality. This reads on the claimed "...classifying a message on the basis of its confidentiality." ("Security level: For first time and low experience users, the web site can be presented with reassurances related to on-line security.") column 10 lines 54-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of classification by confidentiality level as taught by Seibel et al. with the classification method as taught by Janik for the purpose of a classification method configured for classifying a message on the basis of its confidentiality.

### ***Conclusion***

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

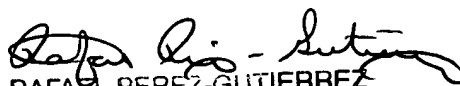
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer  
M.D.F./mdf

Art Unit: 2109

January 25, 2007

  
RAFAEL PEREZ-GUTIERREZ  
SUPERVISORY PATENT EXAMINER

2/1/07